

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:17-cv-00937-TSC**

CENTER FOR BIOLOGICAL DIVERSITY et al v. UNITED STATES DEPARTMENT OF STATE  
Assigned to: Judge Tanya S. Chutkan  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/18/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: Federal Question

**Plaintiff**

**CENTER FOR BIOLOGICAL DIVERSITY**

represented by **David Alan Bahr**  
BAHR LAW OFFICES, P.C.  
1035 1/2 Monroe Street  
Eugene, OR 97402  
(541) 556-6439  
Email: [davebahr@mindspring.com](mailto:davebahr@mindspring.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**THOMAS BACHAND**

represented by **David Alan Bahr**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES DEPARTMENT OF STATE**

represented by **Jeremy S. Simon**  
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2528  
Fax: (202) 252-2599  
Email: [jeremy.simon@usdoj.gov](mailto:jeremy.simon@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**UNITED STATES FISH AND WILDLIFE SERVICE**

represented by **Jeremy S. Simon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/18/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF STATE ( Filing fee \$ 400 receipt number 0090-4956169) filed by CENTER FOR BIOLOGICAL DIVERSITY, Thomas BACHAND. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons for DOS (proposed), # <u>3</u> Summons for US Atty (Proposed), # <u>4</u> Summons for AG (Proposed))(Bahr, David) (Entered: 05/18/2017)
05/18/2017	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE <i>For US Attorney</i> re <u>1</u> Complaint, filed by CENTER FOR BIOLOGICAL DIVERSITY, Thomas BACHAND. Related document: <u>1</u> Complaint, filed by Thomas BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 05/18/2017)

05/18/2017	<u>3</u>	Corporate Disclosure Statement by Thomas BACHAND, CENTER FOR BIOLOGICAL DIVERSITY. (Bahr, David) (Entered: 05/18/2017)
05/18/2017		Case Assigned to Judge Tanya S. Chutkan. (md) (Entered: 05/19/2017)
05/19/2017	<u>4</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 05/19/2017)
06/13/2017	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE <i>against Department of State (via Executive Office of Legal Advisor)</i> re <u>1</u> Complaint, filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND. Related document: <u>1</u> Complaint, filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 06/13/2017)
06/14/2017	<u>6</u>	SUMMONS (1) Reissued Electronically as to UNITED STATES DEPARTMENT OF STATE (zrdj) (Entered: 06/14/2017)
06/21/2017	<u>7</u>	AMENDED COMPLAINT <i>against</i> UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND.(Bahr, David) (Entered: 06/21/2017)
06/22/2017	<u>8</u>	REQUEST FOR SUMMONS TO ISSUE <i>for US FWS</i> re <u>7</u> Amended Complaint filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND. Related document: <u>7</u> Amended Complaint filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 06/22/2017)
06/22/2017	<u>9</u>	REQUEST FOR SUMMONS TO ISSUE <i>against Department of State (via Executive Office of Legal Advisor)</i> re <u>7</u> Amended Complaint filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND. Related document: <u>7</u> Amended Complaint filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 06/22/2017)
06/22/2017	<u>10</u>	REQUEST FOR SUMMONS TO ISSUE <i>For US Attorney</i> re <u>7</u> Amended Complaint filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND. Related document: <u>7</u> Amended Complaint filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 06/22/2017)
06/22/2017	<u>11</u>	REQUEST FOR SUMMONS TO ISSUE <i>For US Attorney General</i> re <u>7</u> Amended Complaint filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND. Related document: <u>7</u> Amended Complaint filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 06/22/2017)
06/23/2017	<u>12</u>	SUMMONS(4) Issued Electronically as to UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(td) (Entered: 06/23/2017)
07/05/2017	<u>13</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Amended Complaint</i> by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 07/05/2017)
07/06/2017		MINUTE ORDER: Granting <u>13</u> Consent Motion for Extension of Time to Answer. Defendants shall answer or otherwise respond to the complaint by August 10, 2017. Signed by Judge Tanya S. Chutkan on 7/6/17. (DJS) (Entered: 07/06/2017)
07/10/2017		Set/Reset Deadlines: Answer due by 8/10/2017. (tb) (Entered: 07/10/2017)
08/10/2017	<u>14</u>	ANSWER to <u>7</u> Amended Complaint by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. Related document: <u>7</u> Amended Complaint filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Simon, Jeremy) (Entered: 08/10/2017)
08/11/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and

		confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiffs' FOIA request, the anticipated number of documents responsive to Plaintiffs' FOIA request, the anticipated date(s) for release of the documents requested by Plaintiffs, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 8/31/17. Signed by Judge Tanya S. Chutkan on 8/11/17. (DJS) (Entered: 08/11/2017)
08/15/2017		Set/Reset Deadlines: Joint Status Report due by 8/31/2017. (tb) (Entered: 08/15/2017)
08/31/2017	<u>15</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 08/31/2017)
09/04/2017		MINUTE ORDER: Having considered the parties' Joint Status Report <u>15</u> , it is hereby ordered that the parties shall file another joint status report and proposed order by 10/12/17. Signed by Judge Tanya S. Chutkan on 9/4/17. (DJS) (Entered: 09/04/2017)
09/04/2017		Set/Reset Deadlines: Joint Status Report due by 10/12/2017. (jth) (Entered: 09/04/2017)
09/10/2017		Set/Reset Deadlines: Joint Status Report due by 10/12/2017. (tb) (Entered: 09/10/2017)
10/10/2017	<u>16</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 10/10/2017)
10/12/2017		MINUTE ORDER: Having considered the parties Joint Status Report <u>16</u> , it is hereby ordered that the parties shall file another joint status report and proposed order by November 30, 2017. Signed by Judge Tanya S. Chutkan on 10/12/17. (DJS) (Entered: 10/12/2017)
10/13/2017		Set/Reset Deadlines: Joint Status Report due by 11/30/2017. (tb) (Entered: 10/13/2017)
11/30/2017	<u>17</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 11/30/2017)
12/01/2017		MINUTE ORDER: Having considered the parties' Joint Status Report, it is hereby ordered that the parties shall file another Joint Status Report by January 10, 2018 and every 45 days thereafter. A proposed order shall be attached to the report if the report contains a proposed briefing schedule. Signed by Judge Tanya S. Chutkan on 12/1/17. (DJS) (Entered: 12/01/2017)
01/10/2018	<u>18</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 01/10/2018)
02/26/2018	<u>19</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 02/26/2018)
04/12/2018	<u>20</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 04/12/2018)
05/29/2018	<u>21</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 05/29/2018)
07/13/2018	<u>22</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 07/13/2018)

08/27/2018	<u>23</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 08/27/2018)
10/12/2018	<u>24</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 10/12/2018)
11/26/2018	<u>25</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 11/26/2018)
01/08/2019	<u>26</u>	Unopposed MOTION to Stay <i>in Light of Lapse in Appropriations</i> by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE (Simon, Jeremy) (Entered: 01/08/2019)
01/16/2019		MINUTE ORDER granting <u>26</u> Motion to Stay. All deadlines are hereby STAYED. Defendant's counsel shall notify the court within five days after Congress has appropriated funds for the Justice Department. It is further ordered that all current deadlines for the parties shall be extended commensurate with the duration of the lapse in appropriations. Signed by Judge Tanya S. Chutkan on 1/16/19. (DJS) (Entered: 01/16/2019)
01/30/2019	<u>27</u>	NOTICE of Restored Government Funding by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE (Simon, Jeremy) (Entered: 01/30/2019)
02/19/2019	<u>28</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 02/19/2019)
02/27/2019		MINUTE ORDER: Having considered the Defendant's Notice of Restored Government Funding <u>27</u> and the parties' joint status report <u>28</u> , the previously imposed stay is hereby lifted. It is hereby ordered that the parties shall file another joint status report by 4/5/19, and every 45 days thereafter. To the extent the parties propose a production schedule and/or briefing schedule, the status report shall include a proposed order. Signed by Judge Tanya S. Chutkan on 2/27/19. (DJS) (Entered: 02/27/2019)
03/01/2019		Set/Reset Deadlines: Joint Status Report due by 4/5/2019. (tb) (Entered: 03/01/2019)
04/05/2019	<u>29</u>	Joint STATUS REPORT by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY. (Bahr, David) (Entered: 04/05/2019)
05/21/2019	<u>30</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 05/21/2019)
07/05/2019	<u>31</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 07/05/2019)
08/30/2019		MINUTE ORDER: The parties shall file a joint status report by 9/5/19 and every 90 days thereafter. To the extent the parties propose a production schedule and/or briefing schedule, the status report shall include a proposed order. Signed by Judge Tanya S. Chutkan on 8/30/19. (DJS) (Entered: 08/30/2019)
08/30/2019		Set/Reset Deadlines: Joint Status Report due by 9/15/2019. (zjd) (Entered: 08/30/2019)
09/05/2019	<u>32</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 09/05/2019)